

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-005623

03/05/2012

COMMISSIONER ALYSSON H. ABE

CLERK OF THE COURT

L. Hart

Deputy

IN RE THE MATTER OF  
CRAIG DOUGLASS RILEY

STUART J GERRICH

AND

BEVERLY ANN RILEY

BEVERLY ANN RILEY  
P O BOX 1344  
MARICOPA AZ 85139

FAMILY COURT SERVICES-CCC

**UNDER ADVISEMENT RULING**  
**MODIFICATION OF CHILD SUPPORT**

The Evidentiary Hearing in this matter was held on February 1, 2012. Following the Evidentiary Hearing, the Court took the issues of Mother's income, the child, Cheyenne's, Social Security Income (SSI), and the statute under advisement. The Court has since reviewed the testimony presented, the case history, and the arguments of Counsel.

The Court is in receipt of Father's *Brief Regarding Income and Benefits Received By Or On Behalf of Child* filed on February 13, 2012, Mother's pro per *Hearing on Modification of Child Support – Brief and Motion* filed on February 9, 2012, and the child's 14-page Supplemental Security Income (SSI) Notice of Planned Action together with the governing child support statute, A.R.S. § 25-320(26), which provides:

**Income and Benefits Received by or on Behalf of Child:**

- A. Income earned or money received by a child from any source other than court-ordered child support shall not be counted toward either parent's child support obligation except as stated herein.

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- B. Benefits, such as Social Security Disability or Insurance, received by a custodial parent on behalf of a child, as a result of contributions made by the parent paying child support shall be credited as follows:
1. If the amount of the child's benefit for a given month is equal to or greater than the paying parent's child support obligation, then that parent's obligation is satisfied.
  2. Any benefit received by the child for a given month in excess of the child support obligation shall not be treated as an arrearage payment nor as a credit toward future child support payments.
  3. If the amount of the child's benefit for a given month is less than the parent's child support obligation, the parent shall pay the difference unless the court, in its discretion, modifies the child support order to equal the benefits being received at that time.

**ISSUE:** Whether either parent should be credited on the child support worksheet with the child's monthly SSI cash amount (\$525.98).

Based upon the matters presented herein,

**THE COURT FINDS** that Cheyenne is disabled and as a result of this disability, Cheyenne receives SSI benefits. Cheyenne's SSI benefit is independent of any "contributions made by the parent paying child support...." A.R.S. § 25-320(26). The Court applies a strict reading and application of the statute and therefore finds that Cheyenne's SSI benefit cannot be subtracted from Father's monthly child support obligation.

The Court attributes a gross monthly income to Father of \$3,373.50 and a gross monthly income to Mother of \$2,700.00.

**IT IS ORDERED** setting Father's child support obligation at \$590.00 per month effective January 1, 2012 to July 31, 2012.

**IT IS THEREFORE ORDERED** that Father shall pay to Mother for child support of the minor child/ren of the parties, the sum of \$590.00 per month plus \$5.00 per month Clearinghouse fee for a total monthly obligation of **\$595.00**, payable through the Support Payment Clearinghouse on the 1st day of each month by Order of Assignment.

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**LET THE RECORD REFLECT** an Order of Assignment is initiated electronically by the above-named deputy clerk (Order ID #367183).

**LET THE RECORD REFLECT** that the child of the parties turns 12 years old on July 27, 2012. That that end,

**IT IS ORDERED** setting Father's child support obligation at \$625.00 per month effective August 1, 2012.

**LET THE RECORD REFLECT** an Order of Assignment is initiated electronically by the above-named deputy clerk (Order ID #367185).

Until the wage assignment becomes effective, it is the responsibility of the party obligated to pay support/maintenance to pay the support to the following:

**Support Payment Clearinghouse  
P. O. Box 52107  
Phoenix, Arizona 85072-2107**

Payment should show the case number and/or ATLAS case number, the name of the party paying support, and the name of the party who will receive the payment.

**WARNING:** If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

**IT IS FURTHER ORDERED** that at any time a wage assignment is not paying the full amount of the child support obligation, Father shall pay the difference between the court-ordered child support obligation and what is paid through wage assignment directly to the Support Payment Clearinghouse.

**IT IS FURTHER ORDERED** that any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk of Court, in writing, within ten (10) days of the change pursuant to A.R.S. §25-322 (C). Failure to notify the Clerk of Court of any change may be considered contempt of Court.

**THE COURT FINDS**, however, that pursuant to A.R.S. §25-320(27) a deviation to the tax exemption schedule is appropriate for so long as Mother remains unemployed. To that end, Father shall claim both children each and every year. When Mother becomes employed, the tax exemption shall revert to the above outlined pre-deviation schedule whereby, Mother claims the youngest child each and every year. Additionally, depending upon the respective income of the

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parties at the time Mother becomes employed it may also become necessary to modify the child support obligation. However, until such modification is deemed appropriate by the court, the parties shall revert back and utilize the above pre-deviation tax exemption schedule.

**IT IS THEREFORE ORDERED** that Father shall claim the tax exemption for the oldest child in all years. Mother shall claim the tax exemption for the youngest child in all years. **Father may claim the tax exemption provided that Father is current in his child support obligation by December 31<sup>st</sup> of the applicable year.**

**IT IS FURTHER ORDERED** that Father shall continue to provide and maintain medical insurance for the benefit of the minor child(ren), and shall provide an insurance card and claim filing information/forms to Mother. All healthcare expenses incurred for the health and protection of the minor child(ren) not covered by insurance shall be paid by the parties in proportion to their incomes as reflected on the most recent *Child Support Worksheet*, currently 55% by Father and 45 % by Mother.

The parties shall account to one another for the children's uncovered healthcare expenses in accordance with Section 9.A of the Arizona Child Support Guidelines, which provides that a party seeking reimbursement for uninsured medical, dental, or vision costs shall make request for reimbursement to the other party within 180 days after the date the services occur and shall provide receipts or other evidence of payments actually made upon request of the other party. The party responsible for reimbursement must pay his or her share, or make acceptable payment arrangements, within 45 days after receipt of the request.

**IT IS FURTHER ORDERED** that the parties shall exchange income information every 24 months from the date of the entry of this order for so long as the Court has jurisdiction to order child support. Said financial information shall include, but not be limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

FILED: Child Support Guideline Worksheet (2)

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**IT IS ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

DATED this 5<sup>th</sup> day of March, 2012.

/s/ HONORABLE ALYSSON ABE

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ALYSSON ABE  
COMMISSIONER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.